

• AO 120 (Rev. 2/99)

TO: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 or Commissioner of Trademarks P.O. Box 1451 Alexandria, VA 22313-1451	SOLICITOR SEP 18 2007 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Colorado on the following

DOCKET NO. 06-cv-01368-PSF-MJW	DATE FILED 7/14/05	U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
PLAINTIFF MICROSOFT CORPORATION		DEFENDANT COMPUTERS PLUS USA, INC. and RAWN S. TAKACS
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 1,200,236		Please see copy of Complaint attached hereto
2 1,256,083		
3 1,872,264		
4 2,744,843		
5 1,475,795		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 1,741,086			
2 2,188,125			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
<i>Order and Judgment 8/23/2007</i>

CLERK GREGORY C. LANGHAM	(BY) DEPUTY CLERK <i>L. Ruis</i>	DATE 9/13/2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 06-cv-01368-PSF-MJW

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

v.

COMPUTERS PLUS USA, INC., a Colorado corporation; and
RAWN S. TAKACS, an individual,

Defendants.

ORDER ON MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff Microsoft Corporation's Motion for Default Judgment and Permanent Injunction (Dkt. # 73), filed on July 13, 2007. To date, no response has been filed, and the motion is ripe for disposition. The Court has determined that a hearing will not materially aid it in determining the motion. Having considered the motion, the affidavit of John M. Tanner filed in support thereof, and other papers filed in this case, the Court hereby GRANTS the motion and enters the following Order:

1. Defendants Computers Plus USA, Inc. and Rawn Takacs ("Defendants"), are jointly and severally liable to Plaintiff Microsoft Corporation ("Microsoft") for the willful infringement under federal law, 17 U.S.C. § 501 *et seq.*, of the following copyrighted works (identified by the following Certificate of Registration numbers issued for such works):

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 5-837-617 ("Office Professional 2003");
- (3) TX 5-837-636 ("Office Excel 2003");
- (4) TX 5-900-087 ("Office Outlook 2003");
- (5) TX 5-852-649 ("Office PowerPoint 2003");
- (6) TX 5-837-618 ("Publisher 2003");
- (7) TX 5-900-088 ("Office Word 2003"); and
- (8) TX 5-877-513 ("Business Contact Manager for Outlook 2003").

2. Defendants are jointly and severally liable to Microsoft for willful trademark infringement under federal law, 15 U.S.C. § 1114 *et seq.*, resulting from their use in commerce of Microsoft's trade dress and use and imitation of the following Trademarks and/or Service Mark Registration Numbers:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 1,475,795 ("POWERPOINT");
- (6) 1,741,086 ("MICROSOFT ACCESS"); and
- (7) 2,188,125 ("OUTLOOK").

3. Defendants are jointly and severally liable to Microsoft for unfair competition under federal law, 15 U.S.C. § 1125, and under the laws of the State of Colorado;

4. Statutory damages for trademark infringement are available for up to \$100,000 for each counterfeit mark, regardless of willfulness, and up to \$1,000,000 per counterfeit mark if the infringement was willful. 15 U.S.C. § 1117(c). In addition, the Copyright Act provides for statutory damages of up to \$30,000 per copyright violation, whether willful or not, and up to \$150,000 per copyright if the infringement was willful. The Court awards statutory damages of \$100,000 for each counterfeit mark used (totaling \$600,000) and \$30,000 for each copyright violation (totaling \$240,000).

5. Under the Copyright Act and the Lanham Act, the Court has discretion to award plaintiff its costs and reasonable attorney's fees. 15 U.S.C. § 1117(a); 17 U.S.C. § 505. Plaintiff has requested, with a supporting affidavit, costs in the amount of \$938.12 and attorneys' fees in the amount of \$16,590.00. The Court finds the requested fees are reasonable and that an award of fees and costs to plaintiff is appropriate.

6. Accordingly, judgment shall be entered in favor of Plaintiff Microsoft Corporation and against Defendants Computers Plus USA, Inc. and Rawn Takacs, jointly and severally, as follows:

a. Statutory Damages:	\$840,000.00
b. Attorneys' Fees:	\$ 16,590.00
c. Costs:	\$ 938.12
Total Judgment:	\$857,528.12

7. This judgment shall accrue interest, compounded annually, pursuant to 28 U.S.C. § 1961.

8. As set forth in a separate permanent injunction issued contemporaneously by this Court, Defendants shall be permanently enjoined from further infringing any of Microsoft's copyrights and trademarks.

9. The Clerk of the Court shall enter judgment in accordance with this Order.

DATED: August 23, 2007

BY THE COURT:

s/ Phillip S. Figa

Phillip S. Figa
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 06-cv-01368-PSF-MJW

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

v.

COMPUTERS PLUS USA, INC., a Colorado corporation; and
RAWN S. TAKACS, an individual,

Defendants.

ORDER OF PERMANENT INJUNCTION

THIS MATTER is before the Court on Plaintiff Microsoft Corporation's ("Microsoft") Motion for Default Judgment and Permanent Injunction (Dkt. # 73), filed on July 13, 2007. The Court granted the motion in a separate Order issued contemporaneously herewith, and the Court hereby enters the following Order of Permanent Injunction pursuant to 17 U.S.C. § 502 and 15 U.S.C. § 1116:

Computers Plus USA, Inc. and Rawn Takacs ("Defendants"), their directors, principals, officers, members, agents, servants, employees, representatives, successors and assigns, and all those acting in concert or participation with them shall be, and hereby are, PERMANENTLY ENJOINED and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, certificates of authenticity ("COA"), end user license agreements ("EULA"), or items protected by Microsoft's registered

trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration Numbers:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 1,475,795 ("POWERPOINT");
- (6) 1,741,086 ("MICROSOFT ACCESS"); and
- (7) 2,188,125 ("OUTLOOK");

or software programs, components, COA, EULA, items or things protected by the following Certificate of Copyright Registration Nos.:

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 5-837-617 ("Office 2003 Professional");
- (3) TX 5-837-636 ("Office Excel 2003");
- (4) TX 5-900-087 ("Office Outlook 2003");
- (5) TX 5-852-649 ("Office PowerPoint 2003");
- (6) TX 5-837-618 ("Publisher 2003");
- (7) TX 5-900-088 ("Office Word 2003"); and
- (8) TX 5-877-513 ("Business Contact Manager for Outlook 2003");

or any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or

displaying any software program, component, COA, EULA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, COA, EULA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, COA, EULA, item, or thing that has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software programs in any of Defendants' trade or corporate names;

(f) engaging in any other activity constituting an illegal distribution of any Microsoft software, component, COA, EULA, item, or thing and/or infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO ORDERED.

DATED: August 23, 2007

BY THE COURT:

s/ Phillip S. Figa

Phillip S. Figa
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 06-cv-01368-PSF-MJW

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

v.

COMPUTERS PLUS USA, INC., a Colorado corporation; and
RAWN S. TAKACS, an individual,

Defendants.

JUDGMENT

PURSUANT to and in accordance with the Order on Motion for Default Judgment entered by Judge Phillip S. Figa on August 23, 2007, it is ORDERED that the Motion for Default Judgment is GRANTED. It is FURTHER ORDERED that Judgment is entered in favor of Plaintiff Microsoft Corporation and against Defendants Computers Plus USA, Inc. and Rawn Takacs, jointly and severally, in the amount of \$840,000.00 in statutory damages, \$16,590.00 in attorneys' fees, and \$938.12 in costs. It is

FURTHER ORDERED that post-judgment interest shall accrue at the legal rate of 4.44 % per annum from the date of entry of Judgment.

DATED August 23rd, 2007.

FOR THE COURT:
Gregory C. Langham, Clerk

By s/Charlotte Hoard

Charlotte Hoard
Deputy Clerk